

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
SOUTHERN DIVISION
No. 7:21-CV-00106-M**

WAYNE NUTT,)	
)	
Plaintiff,)	
v.)	JOINT MOTION TO MODIFY
)	BRIEFING SCHEDULE ON
ANDREW L. RITTER, <i>et al.</i> ,)	MOTION FOR PRELIMINARY
)	INJUNCTION
Defendants.)	

NOW COME the parties and hereby move to modify the briefing schedule set forth in the Order dated June 11, 2021. The Order provided a hearing date and expedited briefing schedule on Plaintiff's Motion for Preliminary Injunction. Plaintiff's Motion for Preliminary Injunction seeks to prevent Defendants from enforcing or threatening to enforce North Carolina General Statute section 89C-23 against Wayne Nutt for truthfully testifying about his background and opinions as an expert witness in *Autry v. Bill Clark Homes, LLC*, a case currently pending in New Hanover County Superior Court.

At the time of filing, trial in the *Autry* matter was set for July 19, 2021, and the Court sua sponte set an expedited briefing schedule that would allow the motion to be heard prior to the trial date. The *Autry* trial has now been continued to February 28, 2022. In light of the altered deadline and in light of Defendants' stated desire to conduct limited discovery before responding to the motion, the parties respectfully request that the Court extend the briefing schedule as follows:

1. By agreement of the parties, permit Defendants to take the depositions of Plaintiff Wayne Nutt and non-party Kyle Nutt on or before July 30, 2021.

2. Extend the Defendants' deadline to file a brief in opposition to Plaintiff's Motion for Preliminary Injunction up to and including August 20, 2021.

3. Extend Plaintiff's deadline to file a reply brief up to and including September 3, 2021.

The parties further request that the hearing on the motion, currently set for July 12, 2021, be rescheduled for a date convenient to the Court based on the motion to modify the briefing schedule.

Respectfully submitted this the 28th day of June, 2021.

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